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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,595	11/02/2000	Antonius H.M. Akkermans	PHN 17,721	2515
24737	7590	10/04/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ORTIZ CRIADO, JORGE L	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/704,595	Applicant(s) AKKERMANS, ANTONIUS H.M.	
	Examiner Jorge L Ortiz-Criado	Art Unit 2655	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 2 months from the mailing date of the ~~final rejection~~ **Notice of Appeal**
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 07 September 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

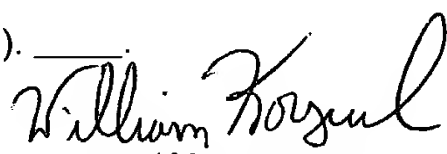
Claim(s) allowed: _____.

Claim(s) objected to: 6 and 12.

Claim(s) rejected: 1-5, 7-11 and 13-15.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


WILLIAM KORZUCH
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed 08/18/2004 have been fully considered but they are not persuasive.

With regard to claims 1-5,7-11, 13 and 15 as unpatentable over Gérard et al., Applicants argue that Gérard et al does not disclose or suggest the measurement signal to be sample "WITHIN A PREDETERMINED PERIOD OF TIME". The Examiner cannot concur because claims 1-5,7-11, 13 and 15 are NOT limited to ONLY the argued language. Alternatively, the measurement signals are sampled at locations having mutually the same intensity levels, which Gérard et al. clearly discloses. Hence, Gérard et al meet the all the limitations as claimed.

With regard to claim 14 as unpatentable over Gérard et al., Applicant argue that Gérard et al makes no mention of radial to vertical crosstalk. Gérard et al does not expressly disclose or mention "radial to vertical crosstalk". Gérard et al discloses sampling the measurement signal at locations having mutually the same intensity for the vertical controlling. As claimed, the radial to vertical crosstalk is reduced, by measuring the sampled signal at the same intensity level, which produces a high when compared. Since the information is stored in the form of difference in levels, Gérard et al. samples measurement signals at location having mutually the same intensity at the level which produces the control signal (high level) results in reduction the radial to vertical crosstalk in the vertical control.

With regard to claim 2 as unpatentable over Gérard et al. in view of Tateishi, Applicants argue that Tateishi does not disclose or suggest measuring the time during which the measurement signal is held and means for causing the measurement signal to be sampled when the time exceeds a predetermined value. The Examiner cannot concur because Tateishi discloses measuring the time during which the measurement signal is held and means for causing the measurement signal to be sampled when the time exceeds a predetermined value (See col. 3, lines 22-46; col. 5, lines 16, 30; col. 6, lines 40-64).

Tateishi discloses preventing the provision of a sampling pulse within a given time duration when the run-length is shorter than a predetermined length time period and the sample pulse will not be generated if a predetermined length time period has not yet expired by disabling the sample pulses. Tateishi is measuring the time during which the measurement signal is held and disables the sample pulse signal when the predetermined length time period has not yet expired/("time not exceeded") and enables the sample pulse when the predetermined length time period has expired/("time exceeded").